

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

FREDERICK SHAFFER HIGGINBOTHAM, \*  
III, D.D.S., ET AL

\*

Plaintiffs

\*

Case No.: MJG 00 CV 2764

v.

\*

KCS INTERNATIONAL, INC., ET AL

\*

Defendants

\*

\* \* \* \* \*

**REQUEST FOR ENTRY OF JUDGMENT**

Defendants, pursuant to F.R.Civ.P. 58(d), respectfully request that this Honorable Court enter judgment on the District Court Clerk's Order Taxing Costs and the Order of the U. S. Court of Appeals for the Fourth Circuit awarding costs, and for reasons states:

1. The Clerk entered an Order Taxing Costs in this matter on March 8, 2004 in the amount of \$6,419.46 in favor of Defendant Windline, Inc.; in the amount of \$3,504.35 in favor of Defendant KCS International, Inc.; and in the amount of \$3,591.63 in favor of Defendant Warehouse Creek Yacht Sales, Inc., all against Plaintiffs. (See attached hereto Exhibit A, copy of the Notice of Electronic Filing of said Order.)
2. The U. S. Court of Appeals for the Fourth Circuit ordered Plaintiff to pay the costs of Defendant Windline, Inc. in the amount of \$308.72. (See attached hereto Exhibit B, copy of the Notice of Electronic Filing of said Order.)
3. Such costs remain unpaid.
4. In order to enforce the Order Taxing Costs and the Fourth Circuit Order awarding costs, Defendants request that this Honorable Court enter judgment in favor of the Defendants in

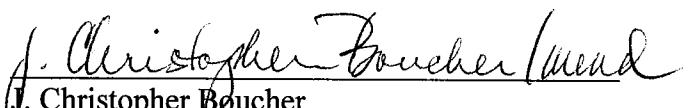
the above amounts so that execution on the judgment may commence.

WHEREFORE, Defendants, by undersigned counsel, respectfully request this Honorable Court to enter judgment as follows:

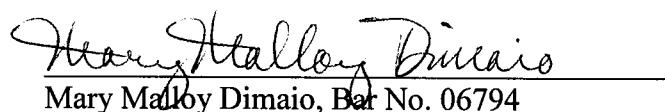
- A. In favor of Defendant Windline, Inc. in the amount of \$6,728.18 and against Plaintiffs;
- B. In favor of Defendant KCS International, Inc. in the amount of \$3,504.35 and against Plaintiffs;
- C. In favor of Defendant Warehouse Creek Yacht Sales, Inc. in the amount of \$3,591.63 and against Plaintiffs; and
- D. Granting such other relief as justice requires.

Respectfully submitted,

ALLEN, KARPINSKI, BRYANT & KARP

  
J. Christopher Boucher  
100 E. Pratt Street  
Suite 1540  
Baltimore, MD 21202  
410.727.5000  
Attorney for Defendant Windline, Inc.

LAW OFFICES OF MAHER & ASSOCIATES

  
Mary Malloy Dimaio, Bar No. 06794

502 Washington Avenue  
Suite 410 – Nottingham Centre  
Towson, MD 21204  
410-769-8100  
Attorney for Defendant, KCS International, Inc.

GOODELL, DEVRIES, LEECH & DANN, LLP

*Richard S. Nilsson/aud*  
Richard L. Nilsson, Bar No. 02289  
1 South Street  
20<sup>th</sup> Floor  
Baltimore, MD 21202  
410.783.4000  
Attorney for Defendant Warehouse Creek  
Yacht Sales, Inc.

**GROUNDSENT AUTHORITIES**

F.R. Civ. P. 54(d)(1) and 58(d).

*Mary Malloy Dimaio*  
Mary Malloy Dimaio

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 13<sup>th</sup> day of July, 2004, a copy of the foregoing

Request for Entry of Judgment was filed and sent electronically to:

Mark T. Mixter, Esquire  
20 S. Charles Street

12<sup>th</sup> Floor  
Baltimore, MD 21201  
Attorney for Plaintiffs

J. Christopher Boucher, Esquire  
Allen, Karpinski, Bryant & Karp, P.A.  
100 E. Pratt Street  
Suite 1540  
Baltimore, MD 21202  
Attorney for Defendant Windline, Inc.

Richard L. Nilsson, Esquire  
1 South Street  
20<sup>th</sup> Floor  
Baltimore, MD 21202  
Attorney for Defendant Warehouse Creek Yacht Sales, Inc.

  
Mary Malloy Dimaio

## EXHIBIT A

**Dimaio, Mary Malloy**

**From:** MDD\_CM-ECF\_Filing@mdd.uscourts.gov  
**Sent:** Tuesday, March 09, 2004 9:06 AM  
**To:** MDDdb\_ECF@mdd.uscourts.gov  
**Subject:** Activity in Case 1:00-cv-02764-MJG Higginbotham, et al v. KCS International, et al "Clerk's Order Taxing Cost"

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.**

**U.S. District Court****District of Maryland****Notice of Electronic Filing**

The following transaction was received from jlb, Deputy Clerk entered on 3/9/2004 at 9:06 AM EST and filed on 3/8/2004

**Case Name:** Higginbotham, et al v. KCS International, et al

**Case Number:** 1:00-cv-2764

**Filer:**

**WARNING: CASE CLOSED on 04/16/2002**

**Document Number:** 131

**Docket Text:**

Clerk's Order Taxing Cost for bill of cost in amount of \$ 6,419.46 in favor of Windline, in amount of \$3,504.35 in favor of KCS and in amount of \$3,591.63 in favor of Warehouse Creek against Plaintiff (c/m Chambers 3/8/04 jlb, Deputy Clerk)

The following document(s) are associated with this transaction:

**1:00-cv-2764 Notice will be electronically mailed to:**

J Christopher Boucher akbklaw@aol.com

Mary Malloy Dimaio mary.dimaio@aig.com

Daniel Karp AKBKLAWS@AOL.COM

Mark T Mixter mmixter@mixterlaw.com

Richard L Nilsson rnilsson@ffic.com

**1:00-cv-2764 Notice will not be electronically mailed to:**

Matthew Douglas Peter

## EXHIBIT B

Subj: **Activity in Case 1:00-cv-02764-MJG Higginbotham, et al v. KCS International, et al "USCA Order"**  
Date: 2/17/2004 3:14:53 PM Eastern Standard Time  
From: MDD\_CM-ECF\_Filing@mdd.uscourts.gov  
To: MDDdb\_ECF@mdd.uscourts.gov

\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* You may view the filed documents once without charge. To avoid later charges, download a copy of each document during this first viewing.

U.S. District Court

District of Maryland

Notice of Electronic Filing

The following transaction was received from sls, Deputy Clerk entered on 2/17/2004 at 2:55 PM EST and filed on 2/17/2004

Case Name: Higginbotham, et al v. KCS International, et al

Case Number: 1:00-cv-2764

Filer:

**WARNING: CASE CLOSED on 04/16/2002**

Document Number: 130

Docket Text:

ORDER of USCA "AWARDING" appellee costs in the amount of \$308.72 as to [119] Notice of Appeal filed by Frederick Shaffer Higginbotham, Stephanie Higginbotham (sls, Deputy Clerk)

The following document(s) are associated with this transaction:

**1:00-cv-2764 Notice will be electronically mailed to:**

J Christopher Boucher akbklaw@aol.com

Mary Malloy Dimaio mary.dimaio@aig.com

Daniel Karp AKBKLaw@AOL.COM

Mark T Mixter mmixter@mixerlaw.com

Richard L Nilsson rnilsson@ffic.com

**1:00-cv-2764 Notice will not be electronically mailed to:**

Matthew Douglas Peter  
Allen Karpinski Bryant and Karp PA  
100 E Pratt St Ste 1540  
Baltimore, MD 21202

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

FREDERICK SHAFFER HIGGINBOTHAM, \*  
III, D.D.S., ET AL

\*

## Plaintiffs

\*

Case No.: MJG 00 CV 2764

V.

\*

KCS INTERNATIONAL, INC., ET AL

\*

## Defendants

## ORDER

This case having come before the Court on Defendants' Request for Entry of Judgment, and the facts and matters alleged therein having been read in conjunction with all applicable law, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2004

ORDERED that judgment shall be entered in favor of Defendant Windline, Inc. and against Plaintiffs in the amount of \$6,728.18; and it is further hereby

ORDERED that judgment shall be entered in favor of Defendant KCS International, Inc. and against Plaintiffs in the amount of \$3,504.35; and it is further hereby

ORDERED that judgment shall be entered in favor of Defendant Warehouse Creek Yacht Sales, Inc. and against Plaintiffs in the amount of \$3,591.63.

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## JUDGE

cc: Mark T. Mixter, Esquire  
J. Christopher Boucher, Esquire  
Mary Malloy Dimaio, Esquire  
Richard L. Nilsson, Esquire